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RICHARD W. NAGEL  
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2023 NOV 28 PM 2:15 November 21, 2023

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
85 MARCONI BOULEVARD, ROOM 121  
COLUMBUS, OH 43215

U.S. DISTRICT COURT  
SOUTHERN DIST. OHIO  
EAST. DIV. COLUMBUS

Dear SARAH D. MORRISON:

LegalZoom.com, Inc. ("LegalZoom"), through its wholly-owned subsidiary, United States Corporation Agents, Inc. ("USCA"), received documents from your office. The documents are directed to COLLATERAL DAMAGE LLC. We are unable to accept service of the documents because USCA is not the registered agent for an entity with the precise name COLLATERAL DAMAGE LLC in CA.

Enclosed, please find your documents which we are returning to you. If you have any questions, please feel free to give us a call at (800) 524-4564.

Sincerely,

Your LegalZoom Team

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# Business Search

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Currently, information for Limited Liability Partnerships (e.g. law firms, architecture firms, engineering firms, public accountancy firms, and land survey firms), General Partnerships, and other entity types are **not contained** in the California Business Search. If you wish to obtain information about LLPs and GPs, submit a Business Entities Order paper form to request copies of filings for these entity types. Note: This search is not intended to serve as a name reservation search. To reserve an entity name, select Forms on the left panel and select Entity Name Reservation ? Corporation, LLC, LP.

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**COLLATERAL DAMAGE LLC**  
(201913510663)



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Initial Filing Date	05/10/2019
Status	Active
Standing - SOS	Good
Standing - FTB	Good
Standing - Agent	Not Good
Standing - VCFCF	Good
Formed In	CALIFORNIA
Entity Type	Limited Liability Company - CA
Principal Address	45 S ARROYO PKWY. PASADENA, CA 91105
Mailing Address	45 S ARROYO PKWY. PASADENA, CA 91105
Statement of Info Due Date	05/31/2023
Agent	Individual NO AGENT AGENT RESIGNED OR INVALID



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Collateral Damage, LLC  
101 N. Brand Blvd.  
11th Floor  
Glendale, CA 91203

## Other Orders/Judgments

2:23-cv-00512-SDM-EPD Root,  
Inc. et al v. Silver et al

AttySealedAcc,JURY,PRO  
SE,PROTO

U.S. District Court

Southern District of Ohio

### Notice of Electronic Filing

The following transaction was entered on 11/15/2023 at 4:30 PM EST and filed on 11/15/2023

**Case Name:** Root, Inc. et al v. Silver et al

**Case Number:** 2:23-cv-00512-SDM-EPD

**Filer:**

**Document Number:** 184

#### Docket Text:

**ORDER issued re [180] [181] Applications for Entry of Default in that the Clerk is DIRECTED to REFRAIN from entering default against the Silver Defendants on the basis of the pending applications. Signed by Judge Sarah D. Morrison on 11/15/23. (sem)(This document has been sent by regular mail to the party(ies) listed in the NEF that did not receive electronic notification.)**

#### 2:23-cv-00512-SDM-EPD Notice has been electronically mailed to:

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**2:23-cv-00512-SDM-EPD Notice has been delivered by other means to:**

Collateral Damage, LLC  
101 N. Brand Blvd.  
11th Floor  
Glendale, CA 91203

Eclipse Home Design, LLC  
651 N. Broad Street  
Suite 201  
Middletown, De 19709

Paige McDaniel  
5576 Alexanders Lake Road  
Stockbridge, GA 30281

The following document(s) are associated with this transaction:

**Document description:**Main Document

**Original filename:**n/a

**Electronic document Stamp:**

[STAMP dcecfStamp\_ID=1040326259 [Date=11/15/2023] [FileNumber=8723779-0] [4086f454f4ff1fd5eb8943977246a55f634ea4b60304055e23fe7b102ff7ed3078db9cecd86f5bd7c8503f9163aa39872928e7c8eedbbef45e727e5523c5161]]

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

ROOT, INC., *et al.*,

Plaintiffs,

v.

Case No. 2:23-cv-512  
Judge Sarah D. Morrison  
Magistrate Judge Chelsey M.  
Vascura

BRINSON CALEB SILVER, *et al.*,

Defendants.

ORDER

Plaintiffs Root, Inc., Caret Holdings, Inc., and Root Insurance Agency, LLC filed Rule 55(a) applications for entry of default against Defendants Brinson Caleb Silver, Eclipse Home Design, LLC, and Collateral Damage, LLC (together, the “Silver Defendants”). (ECF Nos. 180, 181.) Rule 55(a) provides:

When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party’s default.

Fed. R. Civ. P. 55(a).

The Silver Defendants failed to respond to the operative Second Amended Complaint—but each answered the First Verified Amended Complaint. (See ECF Nos. 127, 128, 129.) As to the Silver Defendants, the Second Amended Complaint is identical to the First. (See ECF No. 165, PAGEID # 1380.) “Rule 55(a) only permits the Clerk to enter default when a party ‘has failed to plead or otherwise defend’ in **the action.**” *United States ex rel. Griffith v. Conn*, No. 11-157-ART-EBA, 2016 WL 11200230, at \*1 (E.D. Ky. May 16, 2016) (Thapar, J.) (emphasis added). That cannot

be said about the Silver Defendants. *See also McCutchen v. Tipton County*, 430 F. Supp. 2d 741 (W.D. Tenn. 2006) (denying an application for entry of default as to a defendant who responded to a complaint but did not respond to an amended complaint, where the amended complaint related back to the original under Rule 15(c)). The Clerk is thus **DIRECTED** to **REFRAIN** from entering default against the Silver Defendants on the basis of the pending applications.

**IT IS SO ORDERED.**

/s/ Sarah D. Morrison

SARAH D. MORRISON  
UNITED STATES DISTRICT JUDGE

OFFICE OF THE CLERK  
**UNITED STATES DISTRICT COURT**  
SOUTHERN DISTRICT OF OHIO  
85 MARCONI BOULEVARD, ROOM 121  
COLUMBUS, OHIO 43215

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